

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

JEFFREY PRATT,)
)
 Plaintiff,)
)
)
 v.) Civil Action No. 04-645
) Judge Conti
) Magistrate Judge Caiazza
 DANIEL L. HOOPER, et al.,)
)
 Defendants.)

MEMORANDUM ORDER

The Plaintiff's complaint was received by the Clerk of Court on April 28, 2004, and was referred to United States Magistrate Judge Francis X. Caiazza for pretrial proceedings in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrates.

The magistrate judge's Report and Recommendation, filed on July 27, 2005, recommended that the Defendant's Motion for Judgment on the Pleadings be denied, but that the Defendant's Motion for Summary Judgment be granted. Service was made on the Plaintiff by First Class United States Mail delivered to the State Correctional Institution at Frackville, Frackville, Pennsylvania where he is incarcerated. No Objections have been filed.

After of the pleadings and documents in the case, together with the Report and Recommendation, the following ORDER is entered:

AND NOW, this 30th day of August, 2005,

IT IS HEREBY ORDERED that the that the Defendant's Motion for Judgment on the Pleadings be denied, but that the Defendant's Motion for Summary Judgment is GRANTED.

IT IS FURTHER ORDERED, the Report and Recommendation of Magistrate Judge Caiazza, (Doc. 23), dated July 27, 2005, is adopted as the opinion of the court.

/s/ Joy Flowers Conti

Joy Flowers Conti
United States District Judge

cc:

Francis X. Caiazza
U.S. Magistrate Judge

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